

Benjamin Powell (SBN 214728)
benjamin.powell@wilmerhale.com
Daniel P. Kearney, Jr. (admitted *pro hac vice*)
Philip R. Seybold (admitted *pro hac vice*)
Seth Bastianelli (admitted *pro hac vice*)
WILMER CUTLER PICKERING HALE & DORR LLP
1875 Pennsylvania Avenue, NW
Washington, D.C. 20006
Telephone: (202) 663-6000
Facsimile: (202) 663-6363

Charles V. Berwanger (SBN 047282)
cberwanger@gordonrees.com
GORDON & REES LLP
101 W. Broadway, Suite 2000
San Diego, CA 92101
Telephone: (619) 696-6700
Facsimile: (619) 696-7124

Attorneys for Defendant
HANNAH GILES

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JUAN CARLOS VERA

Plaintiff,

v.

JAMES O'KEEFE III, an individual
HANNAH GILES, an individual, and
DOES 1-20 inclusive,

Defendants.

Case No. CV 10-1422-L(MDD)
Hon. M. James Lorenz

**JOINT STATEMENT OF
UNDISPUTED FACTS FOR
GILES'S MOTION FOR
SUMMARY JUDGMENT**

Hearing: Originally Scheduled for
June 11, 2012. Per May 21, 2012 Court
Order [Doc. No. 83], Motion to be
Decided on Papers Submitted

Judge: The Honorable M. James
Lorenz

Pursuant to this Court's Standing Order for Civil Cases, the parties respectfully submit the following Joint Statement of Undisputed Facts:¹

	<u>Undisputed Fact</u>	<u>Supporting Evidence</u>
1.	On August 18, 2009, Juan Carlos Vera was an employee for an organization known as ACORN in National City, California.	Compl. [Doc. No. 1] ¶¶ 9-10.
2.	ACORN was a community service organization, which had an office in National City, California.	Vera Dep., Vol. I at 173:9-21, Mar. 20, 2012; Lagstein Dep. at 19:21-20:9, Mar. 21, 2012.
3.	The Defendants arrived at the National City office on August 18, 2009, they entered through the office's unlocked door and walked inside.	Vera Dep., Vol. I at 66:22-68:7.
4.	O'Keefe was wearing a hidden camera that recorded audio and video, and had a separate device that recorded audio of the visit.	Compl. ¶ 11; O'Keefe Dep. at 88:20-91:11, Mar. 15, 2012.
5.	Thereafter, the parties had an interaction for approximately 50-55 minutes that was recorded.	Unedited video of the Aug. 18, 2009 encounter.

¹ This Joint Statement of Undisputed Facts is submitted for purposes of resolution of Giles's Motion for Summary Judgment only. The statements herein are not intended as admissions for purposes of trial.

1
2 Dated: June 4, 2012

Respectfully submitted,
WILMER CUTLER PICKERING HALE &
DORR LLP

3
4
5 By /s/ Benjamin Powell

6 Attorney for Defendant HANNAH GILES
7 Email: benjamin.powell@wilmerhale.com

8 Dated: June 4, 2012

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE
LLP

9
10
11
12 By /s/ Michael J. Madigan

13 Attorney for Defendant JAMES O'KEEFE III
14 Email: mmadigan@orrick.com

15 Dated: June 4, 2012

Respectfully submitted,
IREDALE & YOO, APC

16
17
18 By /s/ Eugene G. Iredale

19 Attorney for Defendant JUAN CARLOS
20 VERA
21 Email: egiredale@iredalelaw.com

SIGNATURE CERTIFICATION

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to Mr. Madigan, counsel for James O’Keefe, and Mr. Iredale, counsel for Juan Carlos Vera, and that I have obtained Mr. Madigan and Mr. Iredale’s authorization to affix their electronic signatures to this document.

/s/ Benjamin Powell

Attorney for Defendant HANNAH GILES

Email: benjamin.powell@wilmerhale.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th day of June, 2012, a true and correct copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Eugene G. Iredale
Law Office of Eugene G Iredale
105 West F Street
4th Floor
San Diego, CA 92101-6036
Attorney for Plaintiff Juan Carlos
Vera

Michael E. Rosman
Christopher J. Hajec
Center for Individual Rights
1233 20th Street, NW, Suite 300
Washington, DC 20036
Attorneys for Defendant James
O'Keefe, III

Eric A. Gressler
Orrick Herrington & Sutcliffe LLP
777 South Figueroa Street
Suite 3200
Los Angeles, CA 90017-5855
Attorney for Defendant James
O'Keefe, III

In addition, a copy was sent by United States mail and e-mail to:

Michael J. Madigan
Orrick, Herrington & Sutcliffe, LLP
1152 15th Street, NW
Washington, DC 20005
(202) 339-8523
Attorney for Defendant James O'Keefe, III

/s/ Benjamin Powell

Attorney for Defendant HANNAH GILES
Email: benjamin.powell@wilmerhale.com